

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL SMYTH, II,

Plaintiff,

v.

CASE NO: 08-13723-DT

SOCIAL SECURITY ADMINISTRATION,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. The magistrate judge issued his report on May 20, 2009, recommending that Plaintiff's complaint be dismissed without prejudice pursuant to Rule 4(m) and Local Rule 41.2. No objections have been filed pursuant to 28 U.S.C. 636(b)(1)(C).

Having reviewed the file and the report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the complaint is DISMISSED without prejudice.

IT IS SO ORDERED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 11, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 11, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522